

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

THEODORE LEE HAMPTON,

Debtor,

JAMES EDWARD SCHMIDT, WENDY
MCINTIRE,

Appellants,

v.

THEODORE LEE HAMPTON,

Appellee.

CIVIL CASE NO. 10-11351
HON. MARIANNE O. BATTANI

ORDER OF DISMISSAL

On March 29, 2010, James E. Schmidt filed this bankruptcy appeal on behalf of himself and Wendy McIntire. Because the record showed no further activity in this case, in accordance with Bankruptcy Rule 8006, which requires the appellant to file a designation of items to be included in the record on appeal and a

statement of the issues to be presented on appeal within ten days, the Court ordered Appellants to show cause why this matter should not be dismissed for lack of prosecution. See E. D. Mich. LR 41.2. Appellants have failed to comply.¹ Now, therefore,

IT IS HEREBY ORDERED that Appellants' appeal is DISMISSED.

¹

Appellants failed to designate the bankruptcy appeal record and failed to file a statement of the issues to be presented on appeal. They did file a Writ of Mandamus, asking the U.S. Attorney to initiate a criminal investigation or prosecution against Acacia Nicole Cavness. A bankruptcy appeal is not the proper vehicle for bringing such a writ of mandamus.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

DATED: June 24, 2010

CERTIFICATE OF SERVICE

Copies of this Order were served upon counsel of record on this date by ordinary mail and electronic filing.

s/Bernadette M. Thebolt
CASE MANAGER